UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/21
12 December 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Item 11 of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Regional arrangements for the promotion and protection of human rights in the Asian-Pacific region

Report of the Secretary-General

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GE.90-13926/8680A

INTRODUCTION

1. By its resolution 1990/71 of 7 March 1990, the Commission on Human Rights, bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions, welcomed the designation of the library of the Economic and Social Commission for Asia and the Pacific (ESCAP) as a depository centre for United Nations human rights materials, the functions of which would include the collection, processing and dissemination of such materials in the Asian-Pacific region, and requested the Secretary-General to ensure a continuing flow of human rights materials to the library of the Economic and Social Commission for Asia and the Pacific for appropriate dissemination in the Asian-Pacific region. The Commission also encouraged United Nations development agencies in the Asian-Pacific region to co-ordinate with the Economic and Social Commission for Asia and the Pacific their efforts to promote the human rights dimension in their activities, and to consult the countries of the Asian-Pacific region on the widest possible basis in the implementation of the resolution. Finally, the Commission requested the Secretary-General to submit a further report to the Commission at its forty-seventh session, incorporating information on the progress achieved in the implementation of the resolution. The present report is prepared in response to that request.

I. CO-OPERATION WITH THE ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC (ESCAP)

2. In a letter of 5 July 1990 and in a telex dated 1 November 1990 addressed to the Executive Secretary of ESCAP, the Centre for Human Rights drew the attention of the Executive Secretary to resolution 1990/71 of the Commission on Human Rights and requested him to inform the Centre as to what kind of library materials ESCAP might wish to receive from the Centre.

3. Taking into account the request of the Commission on Human Rights to the Secretary-General regarding a continuing flow of human rights materials to the library of ESCAP, the Centre for Human Rights also added ESCAP to its mailing list and will send systematically information and appropriate reference materials produced by the Centre.

II. INFORMATION RECEIVED FROM UNITED NATIONS DEVELOPMENT AGENCIES IN THE ASIAN-PACIFIC REGION */

4. In a letter dated 13 July 1990, the Centre for Human Rights informed the United Nations development agencies in the Asian and Pacific region about the relevant paragraphs of Commission resolution 1990/71 and requested them to forward any suggestions for activities that they might wish to make. As at 20 November 1990, replies have been received from the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO).

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*/ The full texts of these replies are available for consultation in the secretariat files.

A. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

[Original: English]
[23 October 1990]

5. We would like to suggest the following areas: women's rights, in particular concerning land tenure; access to land by the rural poor; rural workers' participation in the design and implementation of rural development programmes.

6. We would also like to suggest that collaboration on guidelines/checklists to orient programming work in this direction could be carried out by the FAO Regional Office for Asia and the Pacific (RAPA) and ESCAP.

B. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

[Original: English]
[19 September 1990]

7. In pursuance of the recommendations made at the International Congress on Human Rights Teaching, Information and Documentation organized in Malta in 1987, UNESCO intensified its action in assisting in the organization of seminars and producing manuals for human rights teaching, adapted to local needs and in local languages. It also paid attention to the needs of the non-governmental organizations to co-ordinate their documentation and information. The United Nations Educational, Scientific and Cultural Organization endeavours to co-ordinate better the work of those institutions specialized in human rights teaching and research, and documentation.

8. The Seminar on Documentation and Information for Human Rights which UNESCO organized in Tokyo in 1988, in co-operation with the United Nations University and the Kangawa Prefecture, attempted to formulate proposals for UNESCO to improve its co-ordinating role in the field of human rights documentation in different regions. A brochure, "A Guide to Human Rights Documentation", will be published in co-operation with the UNU and Human Rights Internet.

9. In Asia, through the Regional Office for Social and Human Sciences in Asia and the Pacific, the following activities were carried out in these areas:

(a) Training seminar on Draft Charter of Human Rights for the Pacific Island States (contract to LAWASIA, May 1989);

(b) Translation into Hindi, Vietnamese, and Laotian of the UNESCO publication entitled "The International Bill of Human Rights". These translations have been published;

(c) Support to the Human Rights Commission of the Philippines to prepare a primer of human rights in the Tagalog language;

(d) Publication of International Law Newsletter for the Asia-Pacific region;

(e) A national workshop in the Philippines to develop prototype courses on interdisciplinary perspective.

READEX

10. With regard to paragraph 4 of the resolution, we are considering co-operating with the Economic and Social Commission for Asia and the Pacific in implementing the following activities:

(a) Continuation of the publication of the International Law Newsletter for Asia and the Pacific;

(b) Support to LAWASIA for its promotional work in the area of human rights;

(c) Support for production of multi-media information materials on human rights;

(d) Refresher course on human rights at the national level;

(e) Support for campaigns to increase awareness about human rights;

(f) Research in two countries on violence perpetrated against women and girls (Republic of Korea and India);

(g) Training seminar on women's rights.

C. WORLD HEALTH ORGANIZATION

[Original: English]
[21 September 1990]

11. The Global Programme on AIDS in the Western Pacific Regional Office of WHO organized a Workshop on Legal and Ethical Aspects of AIDS and HIV in Seoul, Republic of Korea, from 20 to 25 July 1990. The workshop prepared guidelines on ethical issues in AIDS prevention and control.

12. There is often a close relationship between legal and ethical issues, particularly in the area of AIDS prevention and control. Although ethical principles may not be explicitly included in the texts of legal measures for AIDS, it is stressed that efforts for the prevention and control of HIV infection should be based on reasoned ethical principles which are expressed and open for professional and public discussion and criticism.

13. In preparing legal measures, the following procedure was recommended:

(a) Acknowledge that existing ethical principles, in particular medical and research ethics, apply to HIV and AIDS as in any other health-related field;

(b) Review and, where necessary, strengthen national mechanisms for the promotion and application of ethical principles in AIDS prevention and control;

(c) Ensure that all individuals directly or indirectly involved in the care of people with HIV/AIDS acknowledge an obligation to accept the (small) risk inherent in caring for HIV infected people;

(d) Accept that compassion and understanding of fellow human beings provide the basis for appropriate and effective laws; and

(e) Ensure also that people with HIV/AIDS acknowledge an obligation to behave responsibly towards fellow human beings in order to minimize the spread of HIV/AIDS.

III. CONSULTATIONS WITH THE COUNTRIES OF THE ASIAN-PACIFIC REGION

14. The Centre for Human Rights, in co-operation with the Government of the Republic of the Philippines, organized in Manila, from 7 to 11 May 1990, the first Asia/Pacific workshop **/ for administrators of justice on international human rights standards, including the question of regional and national institutions and arrangements for the promotion and protection of human rights. The workshop brought together a high-level group of senior government officials from countries of the region and experts in the field of human rights from various parts of the world, as well as representatives of Governments from the Asia-Pacific region and non-governmental organizations.

15. The Workshop reviewed the role played by the Universal Declaration of Human Rights as a source of inspiration for national and international endeavours for the protection and promotion of human rights and fundamental freedoms; the efforts of the international community to help realize those rights, particularly through the existing United Nations machinery; and the importance of a constructive and well-informed public opinion worldwide for the universal enjoyment of the rights and freedoms enshrined in the various international instruments.

16. The Workshop, which was opened by the President of the Philippines, Mrs. Corazón Aquino, was addressed by high-level international experts from all over the world. It considered, inter alia, regional and national institutions for the promotion and protection of human rights and fundamental freedoms, and was addressed by representatives of the Commission on Human and Peoples' Rights of the Organization of African Unity, the Inter-American Court and the European Council.

17. Representatives of the following countries participated in the Workshop: Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, China, Cyprus, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Malaysia, Maldives, Mongolia, Myanmar, New Zealand, Pakistan, the Philippines, Samoa, Singapore, Thailand and Viet Nam.

18. A working session held during this workshop reviewed the question of regional institutions for the promotion and protection of human rights and fundamental freedoms (the implementation function). Three speakers made presentations on this subject: Professor V.O. Umozurike (Nigeria), Chairman of the Commission on Human and Peoples' Rights of the Organization of African Unity (OAU); Professor Charles Moyer (Costa Rica), Inter-American Institute of Human Rights; and Mr. Peter Leuprecht (Austria), Director, Human Rights Department of the Council of Europe. **/

**/ The report of the first Asia/Pacific workshop is available for consultation in the secretariat files.

19. In his presentation, Professor Umozurike described the African Charter on Human and Peoples' Rights, which was adopted by the Assembly of Heads of States and Governments in 1981 in Nairobi, went into force on 21 October 1986, and has been ratified or acceded to by 40 African States. Mr. Umozurike emphasized that the Charter, in identifying duties to the family, society, the State, the international community and other legally recognized bodies, also combines legal duties with political and moral ones and, thus, stresses the importance of morality at all levels of human relations. Also, Mr. Umozurike emphasized the dual functions of promoting and protecting human and peoples' rights. Finally, he concluded his presentation by noting a number of human rights issues which the African Commission had so far not been confronted with and that, after two and a half years of existence.

20. The second speaker, Professor Moyer, said that the Inter-American system for the promotion and protection of human rights and fundamental freedoms is modelled after the older European system. He indicated that the Inter-American system is based upon the American Declaration on the Rights and Duties of Man, which was adopted by the Organization of American States (OAS). He also noted the innovations adopted by the Commission.

21. The European system for the promotion and protection on human rights, which operates within the 23-member Council of Europe, was presented by Mr. Leuprecht, who said that the European Commission on Human Rights, an independent body composed of as many members as there are in the Council of Ministers, can receive applications from both States and individuals. He also emphasized the tasks and differences of the present European system.

22. The debate revolved, inter alia, around the advantages of establishing a regional institution for the promotion and protection of human rights; its functioning; its complementary role vis-à-vis the United Nations system; its investigative role; individual complaints; the exhaustion of domestic remedies; and the question of remedies to the victims of human rights violations.